

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO
	:	<u>SPECIFIC PROPERTY</u>
LUIS ZABALA,	:	
	:	24 Cr. 548 (JPC)
Defendant.	:	
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WHEREAS, on or about September 16, 2024, LUIS ZABALA (the “Defendant”), was charged in an Indictment, 24 Cr. 548 (JPC) (the “Indictment”), with distribution of controlled substances, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C) (Count One); firearms use, carrying, and possession, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) (Count Two); and felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g) (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), of any and all firearms and ammunition involved in or used in the offense charged in Count Three of the Indictment, including but not limited to, a Taurus G3c 9- millimeter Semi-Automatic Pistol, Serial Number AEH64903 (the “Specific Property”);

WHEREAS, on or about December 10, 2024, the Defendant pled guilty to Count Three of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.


5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 

RUSHMI BHASKARAN
Assistant United States Attorney
26 Federal Plaza
New York, NY 10278
(212) 637-2439

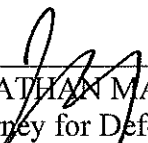
12/10/2024
DATE

LUIS ZABALA

By: 

LUIS ZABALA


12/10/24
DATE

By: 

JONATHAN MARVINNY, ESQ.
Attorney for Defendant
52 Duane Street, 10th Floor
New York, NY 10007

12/10/24
DATE

SO ORDERED:



HONORABLE JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE

12/10/24
DATE